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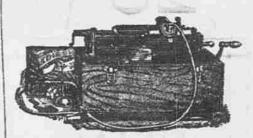
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Mr. Melvin Vaniman is now at the Volcano, where he hopes to get a photo which will do the subject justice. His wonderful photo of Honolulu, the largest direct photo ever made in the Islands, not to mention the smaller, but presented by counsel for the plaintiff." not less perfect pictures of the Pall, Waikiki Beach, etc., place him in the front rank of his profession. It is not unreasonable to expect equally good results from his present trip, which Andrews, Peters & Andrade for Emma will include all points of interest between Honolulu and the Volcano.

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LITTLE DECIDES A LAND CASE

caused by accident, or wear or Judge Gear Thinks Honolulu Attorneys Can Earn \$1000 a Month.

> Judge Gear delivered a written opinion yesterday in the case of John S. Andrade vs. The Territorial Stables Company and G. Schumann, sustaining the demurrer, and dissolving the injunction. Andrade and Schumann were partners, the former owning 233 shares and the latter 515 shares. It was alleged that the contract provided that neither party could sell his stock without the consent of the other, and that in violation thereof Schumann was about to secure control of the majority of stock and oust Andrade as manager. A temporary injunction was granted restraining Schumann from such action, and the case came up on demurrer. In his opinion Judge Gear says:

"The demurrer to the bill complains on two grounds. First, on the ground that the agreement is illegal and void as against public policy. Second, upon the ground that plaintiff has an adequate and complete remedy at law.

"Upon argument, no sufficient reason was shown to the Court why it was not true that complainant had a plain, speedy, adequate and complete remedy at law, for, if the contract was valid, and defendant used his influence in having Andrade removed from his position as manager of the corporation, the law would fix the measure of damages, and plainfiff's remedy would be an action for damages for a breach of the contract. "No reason appears to the Court why these damages could not be easily ascertained, and that reason alone should be sufficient to induce this Court to sustain the demurrer.

"The bill stating no grounds for relief in equity, the demurrer must be sustained on this ground. It would appear, however, from the rules stated below, that it is not certain that this contract is valid. * * * In the present case there is a direct pecuniary consideration, namely the securing to the plaintiff the position of manager of the corporation. "Let the demurrer be sustained and the bill dismissed.

"GEAR, Judge." HONOLULU INVESTMENT COM-PANY WINS.

Judge Little handed down an opinion yesterday in the case of the Honolulu Investment Company vs. Helen K. Rowland fee for the service you performed?" et al., an action to quiet title, which was tried to the court. The decision is, in part, as follows:

"First-This is an action to quiet title to land in Honolulu, consisting of two pieces, the first being described in Land Commission Award No. 131, Royal Patent 1640, the second being described in Royal Patent 1304. The plaintiff claims a fee simple title to an undivided onehalf to this property. The court finds that the plaintiff, the Honolulu Investment Company, Limited, is a corporation existing under and by virtue of the laws of the Territory of Hawaii.

"Second-The Court finds that Theophilus Metcaif during his lifetime became and was at the time of his death the owner in fee simple of the property described in the complaint and that said property was devised by the last will and testament of the said Theophilus Metcalf to the children of Frank Metcalf lawfully begotten and living at the time of the

death of Frank Metcalf. "Third-The Court finds that Emma been withdrawn. Metcalf Ikaika was the daughter of ka, and that Frank Metcalf and Alice him of eighty cents. came a devisee under the will of Theo- never was so indebted. philus Metcalf.

Metcalf became entitled to an undivided charged, one-half of the property in question in

Emma Metcalf Ikaika to this property, asks that the case be dismissed. "Sixth-The Court finds that the plaintiff owns in fee simple an undivided onehalf of the premises described herein referred to in plaintiff's bill of complaint. "A judgment will be given for the plaintiff as prayed for in accordance with the views herein expressed when

Geo. A. Davis and Robertson & Wilder for plaintiff; Thomas Fitch for Thos. Metcalf and Frank Godfrey, trustee; M. Nakuina; Kinney, Ballou & McClanahan for Helen Rowland and James Pros-

HARRISON-MAGOON CASE

Judge Gear did not render a decision yesterday in the motion for nonsult in the case of Harrison vs. Magoon. At the opening of court in the morning, he excused the jury until 1:30 o'clock, and at that time excused it further until Monorneys presented additional arguments n support of the motion for nonsuit, but ne court reserved decision until today.

JUDGE LITTLE THANKS JURY. Judge Little also excused the jury yes-Pure Milk Delivered to any part of the terday, stating that he had no further need of them, and thenking its members for their courteous treatment and prompt attendance at court. He will probably remain here next week to attend the sessions of the Supreme Court as Associate Justice, and may hear one or two cases, without a jury.

QUESTION OF ATTORNEY'S FEES. Yesterday morning Judge Little heard

evidence on a motion for allowance of attorney's fees to the firm of Gear & Humphreys in the case of Kalua Kapikini, a spendthrift. This is the case wherein J. A. Magoon .s guardian, and in which a former unsuccessful attempt was made by the attorneys named to re-move him. The case at that time was heard by Judge Perry, who refused to grant the application, and it was carried to the Supreme Court, with the result that the lower court was affirmed. Judges Gear and Humphreys were attorneys for the spendthrift in the former proceeding, and through Attorney George Davis, made application yesterday for an attorney's fee of \$500 for their work in the

former case. Judge Gear was put on the stand in support of the motion, and testified that \$1,000 a month was not too much for attorneys to earn in Honolulu. Magoon resisted the attempt to secure such a fee, and asked if he was not entitled to the same amount for defending the trust from what he believed was prejudicial to his ward's interest, namely, the effort to oust him from the guardianship. In the argument which followed Mr. Magoon naively stated that he defended the EEEEEEEEEEEEEEEEEEEEEEEEEEEEEEE case (the motion to oust him) with as much skill and effort as if he was to get

The examination of Judge Gear let some interesting light upon the question of attorneys' fees in this city.

'Did you consider that you had a good case?" asked Mr. Davis of Judge Gear. "I thought the case was invincible; I don't see yet how Judge Perry could have refused to terminate the spendthrift trust."

"Then you thought you were going to e successful?" "I had no reason to believe otherwise.

I thought we had the case won," said the witness'

"You carried it to the Supreme Court?" "Yes, it was taken to the Supreme Court and affirmed, though how I can't understand." "How long were you working on the

"The trial occupied over a week, and the case was afterward argued to the Supreme Court. I couldn't see how she could be a spendthrift. Mr. Magoon was her guardian when she was a minor, and then when she married, he was appointed her guardian as a spendthrift. She

far as I could learn." 'Did this woman ever pay you anything as a retaining fee?" "No; on the contrary, we supported her

didn't have any property at that time, as

for a year and a half." "What do you think is a reasonable remuneration for your services?"

"We were to get \$750 from the estate in case we were successful, but I think about \$500 would be a reasonable fee." Mr. Magoon then cross-examined the witness on this point.

"Was this agreement made only in case you won the suit?" he asked Judge Gear. "No, there was no stipulation of that kind. I knew the agreement was no good in case we did not win, as she had no property of her own. We advanced her \$350, bought her a pony and saddle and other things."

"You received payment for that, did you not?" "I think so."

"You think \$500 a reasonable attorney's fee, then?" "I think it is about right."

"Do you think the attorney for the Capital Stock guardian should have the same fee; he did the same work, and went through Capital, paid up the same trial as you did. "Yes, he worked as hard as we did in

defending. I never thought that the law allowed the guardian a fee. I did not believe there was any defense, and don't think you should have defended her." "But the defendant won, did he not?"

"Upon what do you base your claim for "We were in court for two weeks. If

an attorney couldn't make \$1,000 a month C. J. Holt Auditor while actually engaged in court, how would he make a living outside? You must take into consideration the time spent in education and the days he is not

"Then you think \$500 is a reasonable "I do. It is not a bit too large, I think

amount of the estate." "What was the value of the estate?" interposed the court.

"About \$10,000," continued Judge Gear The attorneys in Fair will case received half a million dollars. I remember one case at Santa Cruz where the attorneys were in court for a week, and received \$100,000 for their services. Then again, in this court, in an estate of half a million dollars, an attorney applied for a fiftydollar fee for probating the will. Five thousand was a good deal nearer the amount he should have received." Following Judge Gear, J. T. De Bolt

was called, and testified that he did not think \$500 was an unreasonable amount for the labor performed in this case, The matter was then argued to the court, and taken under advisement by

COURT NOTES.

The case of Yee Tai Co. vs. Wong Tai has been dismissed, the appeal having

An additional report has been filed in Frank Metcalf and Alice Metcalf and the matter of the estate of James R. Kethat Frank Metcalf and Alice Metcalf aulo, late of Kau, Hawaii. The adminwere not lawfully intermarried at the istrator has received the sum of \$3,935 and time of the birth of Emma Metcalf Ikai- expended \$3,935.80, leaving a balance due

Metcalf subsequently lawfully intermar- In the case of the Harrison Mill Co. vs. ried, that Emma Metcalf Ikaika was the Walalua Hotel Co., in account, defendant lawfully begotten child of Frank Metcalf has filed a general denial, stating that and at the death of Frank Metcalf be- it owes nothing to the plaintiff, and

The master's report in the guardianship "Fourth-The Court finds that Emma of Ethel P. N. Gay was confirmed and Metcalf Ikaika upon the death of Frank the guardian, W. O. Smith, ordered dis-In the case of Julia Kaleinani et al. vs.

C. Lai Young, defendant filed an answer "Fifth-The Court further finds that stating that he no longer has an interthe plaintiff acquired all the rights of est in the property nor claims any, and

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